

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	Criminal Action No.
v.)	12-00155-01-CR-W-DW
)	
ARMANDO P. GAITAN,)	
)	
Defendant.)	

REPORT AND RECOMMENDATION

On December 18, 2012, defendant moved for a judicial determination of mental competency. Defendant was examined at the Medical Center for Federal Prisoners in Chicago, Illinois, by Christine Scronce, Ph.D., a forensic psychologist. Dr. Scronce concluded:

Mr. Gaitan has a severe mental illness that substantially disrupts his functioning. He presented with very similar symptoms in 2006 and was deemed incompetent to proceed in a state case. In that instance, his symptoms improved greatly in response to treatment with antipsychotic medications, and he was successfully restored to competency. Given this history, it appears likely that with a period of further evaluation and treatment, such as is allowed under the provisions of Title 18, U.S. Code, Section 4241(d), there is a substantial likelihood that he may attain the capacity to proceed to trial. However, given his behavior during the present evaluation, it appears doubtful that he will consent to treatment for his psychiatric condition.

I held a competency hearing on March 21, 2013 (transcript is document number 26). Defendant was present, represented by Assistant Federal Public Defender William Raymond. The government was represented by Assistant United States Attorney Leena Ramana. The parties stipulated to the report of Dr. Scronce.

Based on the evidence before me, I find that the defendant is not competent to stand trial and to assist in his defense. Therefore, it is

RECOMMENDED that the court, after making an independent review of the record and applicable law, enter an order finding defendant incompetent to stand trial and to assist in his defense. It is further

RECOMMENDED that the court commit defendant to the custody of the Attorney General for hospitalization and treatment pursuant to 18 U.S.C. § 4241(d).

/s/ Robert E. Larsen
ROBERT E. LARSEN
United States Magistrate Judge

Kansas City, Missouri
March 22, 2013